

REMARKS

The Office Action dated March 23, 2004 has been reviewed. Applicant respectfully thanks the Examiner for allowing claims 8-18. Applicant has amended claims 3, 8 and 14-16. Claims 1-18 are pending.

Before turning to substantive matters, it is noted that allowed claims 8 and 14-16 have been amended to correct minor spelling or typographical errors. However, the amendments in no way narrow the scope of the claims.

Claim 3 is rejected under 35 U.S.C. §112, second paragraph, as being in improper dependent form. Applicant respectfully traverses the rejection. Applicant has amended claim 3 to be in proper dependent form. Again, the amendment to claim 3 merely corrects a typographical error and does not narrow the scope of the claim. Applicant requests that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

Claim 4 is objected to because it is allegedly unclear how a pressure gauge that measures a range of pressure between one inch of water above ambient pressure and two inches of water below ambient pressure relates to the claims from which claim 4 depends. Applicant respectfully traverses the objection. As described at paragraph 0023 of Applicant's specification, a pressure gauge 130 on the suction side of the pressure source 110 can measure the pressure level drawn by the pressure source 110. The pressure gauge 130 can be a low-pressure vacuum gauge, a pressure transducer, or some other equivalent device for measuring a range of pressures that preferably exceeds the operational range of the integrated pressure management apparatus 50. As an example, the pressure gauge 130 may measure pressures that range between approximately one inch of water above ambient pressure and two inches of water below ambient pressure. Applicant requests that the objection to claim 4 be withdrawn.

Claims 1-2 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,327,934 to Thompson. Claims 3-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson in view of Cook et al. Applicant respectfully traverses the rejections under 35 U.S.C. §§ 102(b) and 103(a).

Claim 1 recites a diagnostic apparatus for a fuel system that supplies fuel to an internal combustion engine. The fuel system includes a fuel tank, a filler occluded by a removable cap, a charcoal canister, and an integrated pressure management apparatus. The integrated pressure management apparatus includes a pressure operable device and a switch signaling displacement of the pressure operable device in response to negative pressure at a first pressure level in the charcoal canister. The diagnostic apparatus includes a pressure source, a first fitting adapted to be occluded by the removable cap, and a second fitting adapted to sealingly engage the filler. Support for these features is provided at, for example, paragraphs 0024-0026 and Figs. 1-2, of Applicant's specification as originally filed.

In contrast, as described at col. 2, ll. 51-59, and shown in Fig.1, Thompson shows a fuel system having a tank pressure control valve 16. The fuel tank has filler pipe 12 with a gas cap 14. Line 18 connects filler pipe 12 with the pressure control valve 16. Tank vent line 20 routes tank pressure to valve 16, and canister line 22 routes fuel vapor from valve 16 to carbon canister 24. Fuel vapor is processed through canister 24 before being routed to engine 26 for combustion. It is submitted that Thompson does not teach or suggest at least four features that are recited in claim 1.

First, the Office Action relies on a connection between line 18 and valve 16 of Thompson for a teaching of a first fitting adapted to be occluded by a removable cap, as recited in claim 1. However, the connection between line 18 and valve 16 is not in any way adapted to be occluded by gas cap 14. The gas cap 14 is not even disposed in line 18. Thus, Thompson does not show a first fitting adapted to be occluded by a removable cap, as recited in claim 1.

Second, the Office Action relies on a connection between canister line 22 and valve 16 of Thompson for a teaching of a second fitting adapted to sealingly engage the filler, as recited in claim 1. However, the connection between canister line 22 and valve 16 is not in any way adapted to sealingly engage filler pipe 12. The connection between canister line 22 and valve 16 is disposed away from the filler pipe 12. Thus, Thompson does not show a second fitting adapted to sealingly engage the filler, as recited in claim 1.

Third, the Office Action relies on engine 26 of Thompson for a teaching of a pressure source, as recited in claim 1. While Applicant does not acquiesce that engine 26 teaches a

pressure source as recited in claim 1, it is submitted that the engine 26 of Thompson cannot be both a pressure source and an an internal combustion engine, as recited in claim 1.

And fourth, it is submitted that Thompson does not teach or suggest the features of an integrated pressure management apparatus including a pressure operable device and a switch signaling displacement of the pressure operable device in response to negative pressure at a first pressure level in the charcoal canister, as recited in claim 1. Accordingly, it is submitted that claim 1 is patentable.

Claim 2 depends from claim 1, and recites the same combination of allowable features recited in claim 1, as well as additional features that further distinguish over the prior art. At least for the above-described reasons, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b), of claims 1-2, be withdrawn.

Claims 3-7 ultimately depend from claim 1, and recite the same combination of allowable features recited in claim 1, as well as additional features that further distinguish over the prior art. Applicant submits that the prior art of record fails to overcome the above-described deficiencies of Thompson. At least for the above-described reasons, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a), of claims 3-7, be withdrawn.

It is respectfully submitted that all pending claims (*i.e.* claim 1-18) are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: July 23, 2004

By:


Peter J. Sjstare
Registration No. 48,183

CUSTOMER NO. 009629

MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000